

REMARKS

I. 35 U.S.C. §103

Claims 25 and 26 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,501,329 to Provence in view of U.S. Patent No. 3,530,261 to Guim. Applicant has amended the independent claims (i.e., 25, 32, 39 and 46) to recite the earpiece and mouthpiece covers being fabricated of a pliable material, resembling contours of the earpiece and mouthpiece and held in place via friction.

The pliable material allows the earpiece and mouthpiece covers of the present invention to conform to tolerances associated with the earpiece and mouthpiece of telephones. Moreover, the pliable, shaped material holds the earpiece and mouthpiece in place by means of friction. The rigid earpiece and mouthpiece covers of Provence must be precisely manufactured to allow them to engage a groove extending the handset (see, Provence Abstract). Accordingly, the covers of Provence do not use friction to attach to the earpiece and/or mouthpiece. If the manufacturing tolerances of the Provence covers are even slightly off, the rigid earpiece and mouthpiece may not engage the handset thereby limiting their usefulness. The rigid sterilization device of Guim is not designed to attach to the earpiece or mouthpiece but is designed for temporary placement thereover to disinfect the earpiece and/or mouthpiece. Therefore, the Guim device never attaches to the earpiece and/or mouthpiece.

Provence nor Guim discloses or suggests earpiece and/or mouthpiece covers fabricated of a pliable material and able to retain, via friction, the earpiece and mouthpiece as presently claimed.

Claims 30 and 32-34 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Provence in view of Guim and further in view of U.S. Patent No. 5,054,063 to Lo.

Lo discloses a disposable cover fabricated of two layers. A first layer is a cellophane or similar material (column 2, lines 51-52) and the second layer is soft material bonded to the first layer (column 3, lines 1-2). The second soft layer is designed to contact the user's mouth or ear while the first layer contacts the telephone. The disposable cover of Lo is retained on the phone, if at all, by means of flanges (Figs. 1 and 3) or an adhesive

(column 2, lines 36-38). The covers of the present invention are fabricated entirely of a pliable material and are held in place on the earpiece and mouthpiece by means of friction created therebetween.

Claim 38 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Provence in view of Guim in view of Lo and further in view of U.S. Patent No. 6,314,185 to Lashley.

While Lashley discloses the use of a flexible resilient material, it does not suggest the use of friction to secure the cover to the handset or the cover being shaped to resemble the mouthpiece or earpiece. To the contrary, Lashley utilizes either a connection device for removably securing the sanitary cover to the handset (column 2, lines 44-54)(Figs. 4-6). Therefore, removing the cover of Lashley requires the connection device to be disassembled. Or, the flexible cover is simply stretched over the handset and held in place by tension of the stretched cover over the handset (see, Fig. 2). Moreover, the cover of Lashley does not resemble the contours of the telephone mouthpiece. With the present invention, the covers can be removed by simply pulling them off with slight pressure or force. By shaping the covers of the present invention to resemble the mouthpiece and earpiece, the inventor has created a simple cover able to frictionally attach to the handset.

Claim 31 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Provence in view of Guim and further in view of Lashley. The arguments with respect to claim 38 are relevant with respect to claim 31 as well.

Claim 39 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Provence in view of Lashley. The arguments with respect to claim 38 are relevant with respect to claim 39 as well.

With respect to rejected claims 40, 44, 45 and 46, please refer to arguments regarding claims 25, 30, 31 and 39.

As the cited references, alone or in combination, fail to disclose or suggest handset covers fabricated of a pliable material whereby friction maintains them on the handset for simple removal as desired, the references fail to render the present amended independent claims obvious. If the independent claims are not obvious, then the dependent claims, which add further limitations, are not obvious.

II. Conclusion

It is respectfully submitted that the application is now in condition for allowance and, accordingly, reconsideration and allowance are respectfully requested. Should any questions remain regarding the allowability of the application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

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Respectfully submitted,

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